

12 KAR 4:100. Slowly released nutrients; labeling.

RELATES TO: KRS 250.366(7), (17), (18)

STATUTORY AUTHORITY: KRS 250.421

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.421 requires the director to promulgate administrative regulations necessary to implement KRS 250.371 through 250.451. This administrative regulation establishes requirements for referencing slowly released nutrients on fertilizer labels or information provided with a fertilizer.

Section 1. A fertilizer label shall not state or imply that certain plant nutrients contained in a fertilizer are released slowly over a period of time, unless the nutrient or nutrients are identified and guaranteed at a level of at least fifteen (15) percent of the total guarantee for that nutrient or nutrients.

Section 2. Types of products with recognized slow release properties shall be:

(1) Water insoluble (Nitrogen products only), such as natural organics, urea form materials, urea-formaldehyde, isobutylidene diurea, and oxamide. "AOAC International method 945.01" shall be used to determine the water insoluble nitrogen;

(2) Coated slow release, such as sulfur coated urea and other encapsulated soluble fertilizers. "AOAC International method 970.04" shall be used to confirm the coated slow release nutrients and others whose slow release characteristics depend on particle size;

(3) Occluded slow release, if fertilizers or fertilizer materials are mixed with waxes, resins, or other inert materials and formed into particles. "AOAC International method 970.04" shall be used to confirm the occluded slow release nutrients and others whose slow release characteristics depend on particle size; and

(4) Products containing water soluble slowly available nitrogen, such as urea-formaldehyde products, methylenediurea (MDU), dimethylenetriurea (DMTU), dicyanodiamide (DCD), and urea-triazone solutions.

(5) (a) The terms, "water insoluble," "coated slow release," "slow release," "controlled release," "slowly available water soluble," and "occluded slow release" shall be accepted as descriptive of these products, if the manufacturer can show a testing program substantiating the claim.

(b) In addition to the requirements established in paragraph (a) of this subsection, the manufacturer shall provide a laboratory procedure for evaluating the release characteristics of the product or products.

Section 3. Nitrogen. (1) If an amount of nitrogen is designated as organic, then the water insoluble nitrogen or the slow release nitrogen guarantee shall not be less than sixty (60) percent of the nitrogen so designated.

(2) Coated urea shall not be included in meeting the sixty (60) percent requirement.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) AOAC International method 970.04 in the Official Methods of Analysis, 15th Edition (1990); and

(b) "AOAC International method 945.01" in the Official Methods of Analysis, 15th Edition (1990).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, University of Kentucky, 103 Regulatory Services Build-

ing, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m. (11 Ky.R. 510; eff. 11-13-1984; Am. 21 Ky.R. 452; 1023; eff. 9-28-1994; 47 Ky.R. 100, 108; eff. 11-18-2020.)